

Serial No. 10/724,474**Patent
13010-02USA****REMARKS**

Claims 1-2, 5-13, and 15-21 are pending in the application. The amendments to the claims serve to further clarify the present invention. Support for the amendment to claim 1 can be found at, *inter alia*, page 2 in the specification. Support for the amendments to claims 10 and 11 can be found generally at *inter alia*, page 3 in the specification. Support for the amendment to claim 13 can be found at *inter alia*, page 3 in the specification. No new matter has been inserted into the application. Accordingly, entry of the amendments to the application is respectfully requested.

Rejection Under 35 U.S.C. § 101

Claims 10 and 11 are rejected under 35 U.S.C. § 101 because the claimed invention allegedly is directed to non-statutory subject matter. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

However, claims 10 and 11 have been amended to indicate the device of the present invention. Therefore, the rejection has been overcome.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 10 and 11 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Claims 10 and 11 have been amended to further clarify the present invention. Therefore, the rejection has been overcome.

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Rejection Under 35 U.S.C. § 102(b) Over Dechow (U.S. Patent No. 4,883,068)

Claims 1, 8-11, 13 and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Dechow '068. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Applicants assert that the presently claimed invention is distinguished from Dechow '068. Dechow '068 fails to disclose or suggest at least a pad comprising chemical preservatives or enzyme inhibitors, as in the presently claimed invention. Therefore, the rejection has been overcome.

Rejection Under 35 U.S.C. § 102(b) Over Clark (U.S. Patent No. 5,308,580)

Claims 1, 2, 4-13 and 19-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Clark '580. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Applicants assert that the presently claimed invention is distinguished from Clark '580. Clark '580 fails to disclose or suggest at least a pad comprising chemical preservatives or enzyme inhibitors, as in the presently claimed invention. Therefore, the rejection has been overcome.

Rejection Under 35 U.S.C. § 102(b) Over Childs (U.S. Patent No. 5,766,962)

Claims 1-3, 8, 10-14 and 21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Childs '962. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

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Applicants assert that the presently claimed invention is distinguished from Childs '962. Childs '962 fails to disclose or suggest at least a cap as in the presently claimed invention. Therefore, the rejection has been overcome.

Rejection Under 35 U.S.C. § 103(a) Over Dechow '068 in view of Erickson (U.S. Patent No. 6,602,205)

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being obvious over Dechow '068 in view of Erickson '205. Applicants traverse this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Dechow '068 discloses a device for collecting samples. However, Dechow '068 fails to disclose a pad comprising chemical preservatives or enzyme inhibitors as in the presently claimed invention. Erickson '205 is cited for the disclosure of a capillary tubing. However, Erickson '205 also fails to disclose or suggest a pad comprising chemical preservatives or enzyme inhibition. Therefore, Erickson '205 fails to remedy the deficiencies in the Dechow '068 reference. Accordingly, the presently claimed invention is not obvious over the cited references and the rejection has been overcome.

Rejection Under 35 U.S.C. § 103(a) Over Dechow '068 in view of Bazell (U.S. Patent No. 4,370,987)

Claims 15 and 16 have been rejected under 35 U.S.C. § 103(a) as being obvious over Dechow '068 in view of Bazell '987. Applicants traverse this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Dechow '068 is discussed above. Dechow '068 fails to disclose a pad comprising chemical preservatives or enzyme inhibitors as in the presently claimed invention. Bazell

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'987 is cited by the Examiner for its disclosure of a syringe having a unidirectional piston. However, Bazell '987 also fails to disclose or suggest a pad comprising chemical preservatives or enzyme inhibitors, and therefore fails to remedy the deficiencies in the Dechow '068 reference. Accordingly, the presently claimed invention is not obvious over the cited references and the rejection has been overcome.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR § 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. 502486.

Respectfully submitted,

JHK Law

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